

**ASSOCIATION RECORDS WHICH “MUST” BE MAINTAINED AND PRODUCED**

- \*Records specifically defined in the association’s declaration or bylaws;
- \*Records the association is required to disclose within 90 days after the end of the fiscal year as required by CCIOA;
- \*Detailed records of receipts and expenditures affecting the operation and administration of the association;
- \*Records of claims for construction defects and amounts received pursuant to settlement of those claims;
- \*Minutes of all meetings of its owners and board, a record of all actions taken by the owners or board without a meeting, and a record of all actions taken by any committee of the board;
- \*Written communications among, and votes cast by, board members that are: (1) directly related to an action taken by the board without a meeting pursuant to the Colorado Revised Nonprofit Corporation Act; or (2) directly related to an action taken by the board without a meeting pursuant to the association’s bylaws;
- \*A list of the names of all owners and the physical mailing addresses at which the association communicates with them, showing the number of votes each owner is entitled to vote (unless a time-share unit);
- \*The association’s current declaration, covenants, bylaws, articles of incorporation, rules and regulations, responsible governance policies and other policies adopted by the board;
- \*Financial statements for the past 3 years and tax returns of the association for the past 7 years;
- \*A list of the names, email addresses and physical mailing addresses of the current board members and officers;
- \*The most recent annual report (if any) delivered to the Secretary of State;
- \*Financial records sufficiently detailed to enable the association to provide an owner with a written Statement stating the amount of unpaid assessments currently levied against the owner’s unit;
- \*The association’s most current reserve study (if any);
- \*Current written contracts to which the association is a party and contracts for work performed within the past 2 years;
- \*Records of board or committee actions to approve or deny any requests for design or architectural approval from owners;
- \*Ballots, proxies and other records related to voting by owners for 1 year after the election, action or Vote to which they relate;
- \*Resolutions adopted by the board relating to the characteristics, qualifications, rights, limitations, and obligations of members; and
- \*All written communications within the past 3 years sent to all owners.

**ASSOCIATION RECORDS WHICH “MAY BE WITHHELD” FROM PRODUCTION**

- \*Architectural drawings, plans, and designs, unless released upon the written consent of the legal owners of the drawings, plans, or designs;
- \*Contracts, leases, bids or records related to transactions to purchase or provide goods or services that are currently in or under negotiations;
- \*Communications with legal counsel that are otherwise protected by attorney-client privilege or the attorney work product doctrine;

- \*Disclosure of information in violation of law;
- \*Records of an executive session of an association board;
- \*Records relating to or concerning individual units other than those of the requesting owner; or
- \*The names and physical mailing addresses of unit owners if the unit is a time-share unit.

#### **ASSOCIATION RECORDS WHICH "MUST BE WITHHELD" FROM PRODUCTION**

- \*Personnel, salary, or medical records relating to specific individuals; or
- \*Personal identification and account information of members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers.

#### **PROCEDURES FOR REQUESTING ASSOCIATION RECORDS**

- \*All of the records which must be produced to owners must be available for examination and copying by an owner or the owner's authorized agent. The association can require that anyone acting as an owner's authorized agent provide written proof that the owner has actually designated that individual as their authorized agent.
- \*Associations are permitted to require owners to submit a written request for records which reasonably describes the records they are, seeking to inspect and/or copy.
- \*Associations can require that this written request for records be submitted at least 10 days prior to the inspection or production of the records.
- \*Associations may limit the inspection and copying of records to normal business hours or the next regularly scheduled meeting of the board, if that meeting occurs within 30 days after the request.
- \***NOTE:** The association may not condition the production of records upon the statement of a proper purpose.

#### **CHARGES FOR ASSEMBLING, PRODUCING AND COPYING RECORDS**

- \*This new law allows the association to "...impose a reasonable charge, which may be collected in advance and may cover the costs of labor and material, for copies of association records. The charge may not exceed the estimated cost of production and reproduction of the records."
- \*The right to copy records includes receiving copying by photocopying or other means, including electronic transmission.
- \*An association is not obligated to compile or synthesize information.
- \*The information contained within those records shall not be used for a commercial purpose.

#### **USE OF MEMBERSHIP LISTS**

- \*The list or any part thereof, may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner, without the consent of the board of directors.
  - \*The list may not be used to solicit money or property, unless such money or property is used solely to solicit the votes of the unit owners in an election to be held by the association.
  - \*The list may not be used for any commercial purpose.
  - \*The list may not be sold to or purchased by any person.
- \*\*NOTE:** This Bill repeals and reenacts with amendments §38-33.3-317 of CCIOA.)